

REMARKS

The present application now contains claims 1-4, 6-8, 10, 12, 16-17, 21-24, 26, 28-31, 33-36, 38-40, 42-43, 48-57, 60-90, and 93.

Claims 1, 33, 65 and 82 are currently amended.

Claims 1-4, 6-8, 10, 12, 16-17, 21-24, 26, 28-31, 33-36, 38-40, 42, 43, 48-57 and 60-64 are allowed.

Please cancel claims 91 and 92, without prejudice.

Applicant has amended claims 1, 33, 65 and 82 to modify the range of percentages of nano-silica in the coating. Applicant has now discovered that EP 0 507 998, previously cited, describes the use of silica in an amount that varies between 50-95% of silica. Applicant has now discovered that at least two of the materials listed at page 3, lines 46-49 of the reference, namely AEROSIL 200 and AEROSIL MOX80 have particle sizes in the nanometeric range. The claims have been amended to avoid this art. This change is based on the run E of example 4.

Claims 91 and 92 stand rejected under 35 U.S.C. §112 (second paragraph), but claims 91 and 92 are canceled herewith, without prejudice.

Claims 65-73 and 78-93 stand rejected under 35 U.S.C. §103(a) as being unpatentable over either of the patents to Kulkarni et al. or Henry, et al. Claims 75-77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over either of the patents to Kulkarni et al. or Henry et. al, in view of applicant's statement of the prior art.

The Examiner states that the pertinence of these references was not discussed in applicant's latest amendment. Applicant respectfully disagrees. In the previous reference applicant stated (with respect to claim 1 and 33) that an upper limit of 50% had been added to the percentage of silica since the "Kulkarni and Henry references both appear to teach the use of over 60% nano-silica in the coating."

True, applicant did not repeat this reason when arguing the patentability of claims 65 and 82, since these claims also had the upper limitation of 50%. Only Dsajarlais was argued in detail, since this reference was not so limited. However, the same reason given for claims 1 and 33 applies to claims 65 and 82 (and the claims dependent on them).

Applicant submits that in view of this difference there is no *prima facie* case of obviousness of these claims based on Kulkarni or Henry and the claims should be allowed. Alternatively, if the Examiner finds that the claims are unpatentable despite this major difference from the cited art, he is respectfully requested to respond to the above argument, originally made in the previous action.

UDX A05

In view of the above amendments and remarks, applicant submits that the claims are all patentable and that the application is ready for allowance. Notice to this effect is respectfully solicited.

Respectfully submitted,
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